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925 North Lincoln Avenue
Loveland, Colorado 80537
(303) 887-5716

May 24, 2006

Jeff S. Jordan
Supervisory Attorney
Complaints Examination & Legal Administration
Federal Election Commission
Washington, D.C. 20463

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL
MAY 25 11:48

Re: MUR 5734

Dear Mr. Jordan

On behalf of the Angie Paccione For Congress Campaign Committee I am responding to a complaint filed by Ron Buxman on April 10, 2006 (MUR # 5734).

We believe that this complaint was filed simply to harass and distract Ms. Paccione from her effort to unseat the present Congresswoman from Colorado's Fourth Congressional District and has no basis in law or fact.

It is clear from the attached testimonies that the actions complained of were not authorized by the candidate or by anyone in authority on the campaign. As soon as the e-mail was discovered by the campaign it was immediately rescinded. No contest was held, no offers made and no prizes.

The two rules upon which complainant relies are not applicable here as a matter of law. Section 113.1(g) deals with the use of campaign funds for personal use. Even if Ms Paccione had held the contest, the funds used would have been in furtherance of fundraising for the campaign, not for her personal use. Rule 439 a (b) applies only to authorized campaign communications and as the record shows, this communication was not authorized either by the candidate or by anyone appointed by her to do so.

Your consideration of this response is greatly appreciated and if you have any further questions please feel free to call Mark Shaffer at 303-887-5716.

Sincerely,

Mark R Shaffer

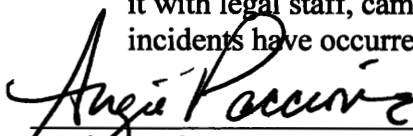
Mark R. Shaffer

Daniel F. Ryan

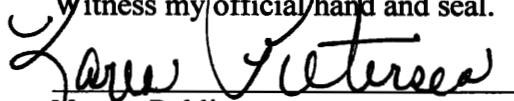
26044144093

The following Affidavit of Angie Paccione is submitted in response to a complaint filed under the Federal Campaign Act of 1971, MUR 5734, filed by Ron Bruxman, Vice Chair, Weld County, Republican Central Committee on April 10, 2006 against the campaign of Angie Paccione, Democratic Candidate for Congress in the 4th Congressional District of Colorado;

- 1) My name is Angie Paccione. I am a Democrat and I am running to unseat Marilyn Musgrave, the present Representative from Colorado's Fourth Congressional District.
- 2) On February 23, 2006 a member of my staff sent out an e-mail (Attachment A) announcing a fundraising contest that offered various prizes to volunteer fundraising teams. These prizes would be based on the amount of money each team raised for my campaign and included, among other things, a trip to Washington DC for my swearing-in ceremony (assuming that I won).
- 3) I was first made aware of this e-mail when, Lynn Bartels, a reporter with a Denver newspaper, The Rocky Mountain News, contacted me. I was shocked by the plan, particularly since one of the prizes it purported to offer was formal recognition by me on the floor of the Colorado House of representatives, where I presently serve. During my three years of service in that body, I have always maintained the highest ethical standards and have never used my official position for personal or political gain and was, frankly, offended by the suggestion that I would do so.
- 4) I immediately called Gary Chandler, my campaign manager, and ordered him to send out an e-mail stating that the previous e-mail was sent without authorization and that no such contest had been contemplated nor would it ever be. (Attachment B). During that call I was informed that Mr. Chandler, on his own initiative, had already sent a retraction.
- 5) Neither the contest nor the message announcing it was authorized by me nor, to my knowledge, by anyone of authority on my staff. No offers were ever made, the contest was never held and no prizes were ever awarded.
- 6) There was, at that time, a process in place to screen such actions and messages to ensure, among other things, that they were legal, ethical and wise. As this process was not utilized in this case, I instructed my Campaign manager to ensure that in the future all paid and volunteer staff be instructed as to the rules governing such actions and that they never again make such announcements without first clearing it with legal staff, campaign management, and myself. Since that time, no similar incidents have occurred.


Angie Paccione

Sworn and subscribed before me this 24th day of May, 2006, by Angie Paccione, a person known to me. My commission expires on June 1, 2008
Witness my official hand and seal.


Notary Public



My Commission Expires: Jun 1, 2008

26044144094

Attachment A

Subject: Fwd: Angie's All-Stars, Angie University, Angie in Action!

[View Full Header](#)
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From: gary@angiepaccione.com

Date: Sat, May 20, 2006 10:17 pm

To:

Priority: Normal

-----Original Message-----

From: Angie Paccione [mailto:info@angie2006.com]

Sent: Thursday, February 23, 2006 3:35 PM

To:

Subject: Angie's All-Stars, Angie University, Angie in Action!

Angie's All-Stars!
Fundraising Teams

Help Angie Win!* We are now recruiting team captains
* Teams will have 5 members each -- pick your team for success
* Compete to win prizes and help Angie win

Grand Prize: Trip for the whole team to D.C. to see Angie sworn in!

Quarterly Prizes:

1st Prize -- Team dinner with Angie

2nd Prize -- Day at the State Capitol. Angie will introduce the whole team on the floor of the State House.

3rd Prize -- Signed basketball for each team member presented by Angie

Each team must raise \$5,000 per quarter to be eligible for prizes. Sign-up by March

10th for First Quarter prizes.

Call Carole Lundgren (finance director): 970-224-9370

26044144095

Attachment B

[Message List](#) | [Delete](#) | [Previous](#) | [Next](#) | [Forward](#) | [Reply](#) | [Reply All](#)

Subject: Fwd: Angie's All-Stars, Angie University, Angie in Action!

[View Full Header](#)
[View Printable Version](#)

From: gary@angiepaccione.com

Date: Sat, May 20, 2006 10:18 pm

To:

Priority: Normal

-----Original Message-----

From: Angie Paccione [mailto:info@angie2006.com]

Sent: Thursday, February 23, 2006 07:17 PM

To: gary@angiepaccione.com

Subject: Angie's All-Stars, Angie University, Angie in Action!

From: Angie Paccione for Congress

Please disregard the previous email about Angie's All-Star Fundraising Teams.
That was an internal memo, not for public release.

We regret any inconvenience this may have caused you.

Angie's Team

Angie Paccione for Congress

Angie Paccione for Congress

PO Box 1292

Fort Collins, CO 80522

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Attachments:


[untitled-\[2\]](#) 2 k [text/html] [download](#) | [view](#)

26044144096

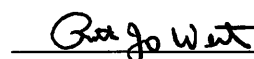
The following Affidavit of Gary Chandler is submitted in response to a complaint filed under the Federal Campaign Act of 1971, MUR 5734, filed by Ron Bruxman, Vice Chair, Weld County, Republican Central Committee on April 10, 2006 against the campaign of Angie Paccione, Democratic Candidate for Congress in the 4th Congressional District of Colorado;

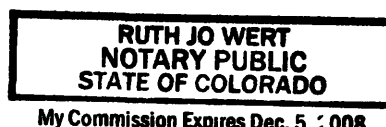
Upon my oath, first being duly sworn, I Gary Chandler do hereby state and avers, as follows:

- 1) I am Angie Paccione's campaign manager. In that role, I oversee the day to day operation of her campaign
- 2) I received a call from Angie Paccione on February 23, 2006, informing me that she had been contacted by a Denver reporter and had been told of an e-mail, purportedly coming from her campaign, offering various prizes for volunteers who raised funds. I informed her that I had just recently learned of the e-mail, that I had not authorized the communication, nor had anyone else in authority. I also shared her concern (and anger) and informed her that I already had sent an e-mail to the same group of roughly 1100 contributors who had received the original message and that the second e-mail had stated that no such offer was being made and that the original e-mail had been sent out without authorization. I told her I was determined that such a breakdown would not occur in the future.
- 3) The time between the first e-mail and the e-mail rescinding it was less than three hours.
- 4) I then conducted an investigation and discovered that the original e-mail had been sent by two financial staffers and that it had not been cleared by anyone in authority on the campaign staff. I discussed the incident with them and impressed upon them the need to follow established procedures and elicited a promise that they would never engage in such behavior again. As their actions had been well meaning, if naïve, they seemed to realize the gravity of their error and the e-mail had been withdrawn before anyone responded, I felt that further action was inappropriate.
- 5) Since this incident I have reiterated my instructions that all paid and unpaid campaign staff refrain from sending any communication to the public or to our volunteers without first clearing it with legal staff, myself and the candidate.
- 6) We did not receive any response to our e-mail, did not hold the contest and did not award any prizes.


Gary Chandler

Sworn and subscribed before me this 24th day of May, 2006, by Gary Chandler, a person known to me. My commission expires on May 24, 2006
Witness my official hand and seal.


Notary Public



My Commission Expires Dec. 5, 2008

26044144097